

# FABIAN NUÑEZ

SPEAKER of the ASSEMBLY

January 19, 2005

Liane Randolph, Chair and Commissioners  
Fair Political Practices Commission  
428 J Street, Suite 620  
Sacramento, CA 95814

Re: Agenda Item #22 – Adoption of “Gift Cluster” Regulations

Dear Chairman Randolph and Commissioners Blair, Downey, Karlan and Knox:

Please accept the following comments on Agenda Item #22 for your January 20, 2005 meeting, concerning proposed regulations on gifts.

We are in full support of the Commission's goal of ensuring that gifts to public officials are disclosed in a manner that serves the purposes of the Political Reform Act. We do urge the Commission, in considering these proposals, to strongly weigh the policy goal sought by each change against the confusion and difficulty in compliance that may result from imposition of more technical compliance rules. As you are aware, the gift rules are quite extensive and, in many cases, very complicated. The Commission should work to avoid creating any more confusion than is necessary to achieve the purposes of these rules. The proposals before the Commission at this point lack clarity and for that reason make it difficult for us to comment specifically on many aspects. We would ask the Commission to consider if these proposals warrant further review before adoption.

We do offer the following comments regarding the proposed changes to Regulation 18946.1(a). This subdivision currently states that a gift of a ticket is valued at the face value on the ticket. Staff proposes creating a second valuation in situations where the donor pays more than the face value. This creates a situation where two or more public officials attending the same event and sitting in comparable seats have received gifts that can be of substantially different value. Assuming one of these tickets exceeds the gift limit, does it further the purposes of the Political Reform Act to prosecute that official while his or her colleague in the next seat, who watched the same event from the same vantage point, is deemed to have violated nothing? This is confusing and unfair. We urge you to reject the proposed change to this subdivision of the regulation.

Thank you for your consideration of these comments.

Sincerely,



FABIAN NUÑEZ  
Speaker of the Assembly